## **ENTERED**

June 25, 2018 David J. Bradley, Clerk

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

TIMOTHY L. BOURGEOIS and		
GWEN A. BOURGEOIS	§	
Plaintiffs.	§	
	§	
VS.	§	C.A. NO. 3:17-cv-00059
	§	
NEW CENTURY MORTGAGE	§	
CORPORATION; DEUTSCHE	§	
BANK NATIONAL TRUST COMPANY,	§	
TRUSTEE, ON BEHALF OF THE	§	
CERTIFICATE HOLDER OF MORGAN	§	
STANLEY ABS CAPITAL I INC. TRUST	§	
2004-NC3, MORTGAGE PASS-	§	
THROUGH CERTIFICATES,	§	
SERIES 2004-NC3; and	§	
SELECT PORTFOLIO SERVICING, INC.	§	
Defendants.	§	
	-	

TIMOTIME DOIDOROIG

## ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

On May 14, 2018, this case was referred to United States Magistrate Judge Andrew M. Edison. (Dkt. 18). On June 1, 2018, Judge Andrew M. Edison filed a Memorandum and Recommendation (Dkt. 24) recommending that (1) Defendants' Motion for Summary Judgment and Brief in Support (Dkt. 15) be GRANTED and that Plaintiffs' claims be DISMISSED with prejudice.

On June 15, 2018, Plaintiffs filed Objections. In accordance with 28 U.S.C. § 636(b)(1)(c), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may

"accept, reject, or modify, in whole or in part, the findings or recommendations made by

the magistrate judge." *Id.*; see also FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and

Recommendation; the pleadings and summary judgment record; and the briefing and

arguments of the parties. The Court notes that in their Objections, Plaintiffs point out

that the Memorandum and Recommendation first identifies a "2006 assignment" on page

2, but later on page 10 discusses a "2016 assignment." The Court notes this

typographical error in the Memorandum and Recommendation and modifies page ten to

reflect the "2006 assignment." The Court ACCEPTS Judge Edison's Memorandum and

Recommendation and **ADOPTS** it, as modified by this order, as the opinion of the Court.

It is therefore **ORDERED** that:

(1) Plaintiffs' Objections to Magistrate Judge's Report and Recommendation

Dated June 1, 2018 (Dkt. 26) are **OVERRULED**;

(2) Defendants' Motion for Summary Judgment and Brief in Support (Dkt. 15)

is **GRANTED**;

This case is **DISMISSED** with prejudice.

SIGNED at Galveston, Texas, this 25th day of June, 2018.

George C. Hanks Jr.

United States District Judge

2